

Appl. No. 10/840,042
Docket No. 9630
Amdt. dated August 5, 2008
Reply to Office Action mailed on June 5, 2008
Customer No. 27752

REMARKS

Claim Status

Applicants acknowledge the Examiner's withdrawal of the 35 USC §112, second paragraph rejections.

Applicants have amended Claim 1 to recite that at least one of the surfaces of the fibrous structure comprises latex at a level of about 100% of the surface area of the surface. Support for this amendment is found in the Specification, page 9, lines 9-11.

Claims 1, 5, and 7-15 are pending in the present application. No additional claims fee is believed to be due.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC §103(a) Over U.S. Patent No. 5,990,377 in view of U.S. Patent No. 5,944,273 as evidenced by U.S. Patent No. 6,740,373

Claims 1, 5, and 7-15 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over U.S. Patent No. 5,990,377 to Chen, et al. ("Chen") in view of U.S. Patent No. 5,944,273 to Lin, et al. ("Lin") as evidenced by U.S. Patent No. 6,740,373 to Swoboda, et al. ("Swoboda"). The Examiner asserts that Chen discloses a patterned fibrous structure comprising a latex, either as a hydrophobic material or as an adhesive. The Examiner combines the teachings of Lin with the teachings of Chen to overcome the deficiencies of Chen; namely, no teaching of Chen's patterned fibrous structure being in roll format.

Applicants respectfully submit that Chen in view of Lin fail to teach each and every element of Claim 1, the independent claim, as amended, because Chen in view of Lin fails to teach a fibrous structure having a surface comprising latex at a level of about 100% of the surface area of the surface. Applicants respectfully submit that Chen teaches a fibrous structure that comprises a hydrophobic material that covers substantially less than 100% of the surface area of a surface of the fibrous structure. Chen, Figs. 1-3 and 5-

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6. Further, Applicants respectfully submit that Chen as a whole teaches that hydrophobic material is present on elevated regions of a surface of its fibrous structure such that a user's skin is contacted by the hydrophobic material and remains dry since any fluid which comes into contact with the fibrous structure enters the interior capacity of the fibrous structure and/or absorbent article of which the fibrous structure is a component through the non-hydrophobic regions of the fibrous structure.

In light of the foregoing, Applicants respectfully submit that Claim 1, as amended, is not rendered obvious over Chen in view of Lin as evidenced by Swoboda. MPEP 2143.03. Further, Applicants respectfully submit that Claims 5 and 7-15, which ultimately depend from Claim 1, as amended, are not rendered obvious over Chen in view of Lin as evidenced by Swoboda. MPEP 2143.03.

Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied reference(s). In view of the foregoing, entry of the amendment(s) presented herein, reconsideration of this application, and allowance of the pending claim(s) are respectfully requested.

Respectfully submitted,

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